

fined in any sum not less than Ten (\$10.00) Dollars and not more than One Hundred (\$100.00) Dollars.

"Sec. 12. All monies collected from taxes, licenses, fines, sale of confiscated pelts and penalties for violation of this Act shall be deposited with the Treasurer of this State during the first week of each month and shall be credited to the Special Game Fund.

"Sec. 13. Provided that all laws or parts of laws in conflict herewith shall be and the same are hereby repealed, except that nothing herein shall repeal Chapter 68, Acts of the First Called Session of the Forty-first Legislature, protecting beaver and otter in this State and fox in certain sections of the State as specified therein. And provided that nothing herein shall repeal Chapter 22, Acts of the Second Called Session of the Forty-first Legislature, regulating the taking of furbearing animals in certain counties.

"Sec. 14. If any Section of this Act shall be held unconstitutional, it shall not affect any other Section of this Act and all Sections except the one that may be declared unconstitutional shall continue to be in full force and effect.

"Sec. 15. Provided that one-half ($\frac{1}{2}$) of the revenue derived under the provisions of this Bill shall be deposited by the Game, Fish and Oyster Commissioner of the State in the State Treasury for General Revenue purposes."

Sec. 2. The fact that the existing law would require the sale of pelts of furbearing animals to the possible detriment of the trapper and the fact that there is no adequate law regulating and protecting the fur industry of this State create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and said Rule is hereby suspended and this Act shall take effect from and after the first day of September, A. D. 1930, and it is so enacted.

NINETEENTH DAY.

Senate Chamber,

Austin, Texas,

Tuesday, March 18, 1930.

The Senate met at 10 o'clock

a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

| | |
|-------------|-------------|
| Berkeley. | Neal. |
| Cousins. | Parr. |
| Cunningham. | Parrish. |
| DeBerry. | Patton. |
| Gainer. | Pollard. |
| Greer. | Russek. |
| Hardin. | Small. |
| Holbrook. | Thomason. |
| Hornsby. | Westbrook. |
| Hyer. | Williamson. |
| Love. | Wirtz. |
| Martin. | Witt. |
| McFarlane. | Woodul. |
| Miller. | Woodward. |
| Moore. | |

Absent—Excused.

Beck. Stevenson.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Parr:

S. B. No. 102, A bill to be entitled "An Act granting the consent of the Legislature of the State of Texas to O. F. Whittle of Miami, Florida, and Lester G. Seymour of Kenton, Ohio, their heirs and assigns, to construct, maintain and operate a toll bridge and causeway across the bay known as and called Laguna Madre, in Cameron County, Texas, from Point Isabel, Texas, to Padre Island; etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

Senators Excused.

On motion of Senator Woodul, Senator Beck was excused for today and tomorrow on account of important business.

On motion of Senator Martin, Senator Setverson was excused for

the day on account of important business.

Bills Signed.

The Chair, President Pro Tem Williamson, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 53.
H. B. No. 87.
H. B. No. 25.
H. B. No. 134.
H. B. No. 124.
H. B. No. 99.
S. B. No. 55.

Messages From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, March 17, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate Amendments to H. B. No. 12 and requests the Senate for the appointment of a Free Conference Committee to adjust the differences between the two Houses. The following are appointed conferees on the part of the House:

Van Zandt, Metcalfe, DeWolfe, Tillotson, Beck.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 18, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 37, A bill to be entitled "An Act cancelling and annulling the lease which Travis County holds against the courthouse and jail property owned by the State of Texas."

With amendments.

S. B. No. 39, A bill to be entitled "An Act providing for procuring and filing in the General Land Office certain papers, maps, sketches and reports relating to the survey of

lands by virtue of certificates issued by the State to the Texas & Pacific Railway Company and its predecessors in title, now in the custody of said railway company, the same to become archives of the General Land Office; providing for the authentication of said papers, maps, sketches and reports and making same admissible in evidence as other archives in said office; enacting other regulations and provisions in connection with said subject matter; and declaring an emergency."

S. B. No. 44, A bill to be entitled "An Act amending Section 1 of Senate Bill No. 26, Acts of the Fourth Called Session of the Forty-first Legislature, with reference to salaries of county judges and county commissioners; and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 18, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 87, A bill to be entitled "An Act designating the historical collection of the North Texas State Teachers College, consisting of books, documents, stamps, coins, fire arms, implements of warfare, relics, heirlooms and various and sundry other things and collections of historical importance, a state historical collection; authorizing the Board of Regents of said college to accept and receive gifts, donations and collections of all kinds having a historical value, to prescribe rules and regulations with respect to the same; and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 18, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 136, A bill to be entitled "An Act granting the consent of the Legislature of the State of Texas to O. F. Whittle of Miami, Florida, and

Leslie G. Seymour of Kenton, Ohio, their heirs and assigns, to construct, maintain and operate a toll bridge and causeway across the bay known as and called Laguna Madre in Cameron County, Texas, from Point Isabel, Texas, to Padre Island, subject to the provisions of an Act of Congress of the United States entitled 'An Act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, and granting the right to sell, transfer and mortgage all the rights, powers and privileges conferred by this Act to said O. F. Whittle and Lester G. Seymour, their heirs and assigns, and providing that any corporation to which or any person to whom such rights, powers and privileges may be sold, assigned or transferred, or who shall acquire the same by mortgage, foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person."

H. B. No. 139, A bill to be entitled "An Act amending Chapter 42, Local and Special Laws, Regular Session of the Thirty-seventh Legislature of the State of Texas, entitled 'An Act to create a more efficient and better road system for Brazos County, Texas,' as same is amended by Chapter 98, Special Laws of the Fortieth Legislature, First Called Session in 1927, by adding thereto Section 13, restricting the issuance of warrants against the road and bridge fund of Brazos County, and declaring an emergency."

By Senator Parr:

S. B. No. 53, A bill to be entitled "An Act amending Article 916 of the Penal Code of the State of Texas of 1925 relating to wild turkeys so as to further extend the period of time during which it is unlawful to take, kill, wound, shoot at, hunt for, or possess, dead or alive, wild turkeys in certain counties, and declaring an emergency."

With amendments.

By Senator Parr:

S. B. No. 54, A bill to be entitled "An Act authorizing counties of a certain class according to population and cities situated therein owning a joint interest with such counties in a hospital, to lease such hospital to be operated as such; prescribing

regulations related to said subject; and declaring an emergency."

By Senator Greer:

S. B. No. 61, A bill to be entitled "An Act providing for a rural school supervisor in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools of the county and work in cooperation with teachers; prescribing the salary of said supervisor and how it shall be paid; providing other things incidental to said purpose; and declaring an emergency."

With amendments.

S. B. No. 92, A bill to be entitled "An Act to subject to taxation for school purposes all land in Cherokee County, Texas, owned by the State of Texas and Prison Commission of Texas, except the land heretofore set aside for the Rusk State Hospital, but including the land heretofore set aside to the Agricultural & Mechanical College for re-forestation purposes; and declaring an emergency."

S. B. No. 94, A bill to be entitled "An Act to fix the salary of the superintendent of public instruction in each county in Texas having a population of not less than 4,660 nor more than 4,700, according to the Federal Census of 1920; providing for office expenses; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

S. B. No. 96, A bill to be entitled "An Act authorizing commissioners' courts in counties in Texas having a population of at least 202,000 inhabitants and less than 210,000 inhabitants as shown by the Census of 1920, to levy a direct tax of not over five cents on the valuation of One Hundred Dollars for the purpose of advertising the cities of the county seats and counties, and providing that all such levy of taxes shall be submitted to the qualified taxpaying voters of the county and a majority vote to be necessary to levy the tax; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 18, 1930.
Hon. Barry Miller, President of the
Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following bill:

H. B. No. 100, A bill to be entitled
"An Act amending H. B. No. 87,
Fourth Called Session, Forty-first
Legislature, so as to include Marion
County; providing size limits for
bass and crappie caught in these
counties; providing a possession
limit for bass and crappie in these
counties; providing a penalty, and
declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 18, 1930.
Hon. Barry Miller, President of the
Senate.

Sir: I am directed by the House
to inform the Senate that Mr. Harri-
son has been appointed to take the
place of Mr. McGill on the committee
provided for in Senate Concurrent
Resolution No. 15 passed at the Sec-
ond Called Session of the Forty-first
Legislature, relating to the investi-
gation of private titles to lands as
affected by the decree of the Su-
preme Court of the United States of
date April 9, 1928, in the case of
the State of New Mexico against the
State of Texas.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 18, 1930.
Hon. Barry Miller, President of the
Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following bill:

H. B. No. 158, A bill to be entitled
"An Act amending Chapter 12 of the
Acts of the First Called Session of
the Fortieth Legislature of the State
of Texas of 1927, relating to the or-
ganization of the Fifty-first (51)
Judicial District of the State of
Texas; reorganizing the same;
naming the counties constituting
the same and fixing the terms of
court to be held in the several coun-
ties therein; amending Chapter 36
of the Acts of the Regular Session
of the Thirty-ninth Legislature of

the State of Texas, relating to the
organization of the Thirty-fifth (35)
Judicial District of the State of
Texas, reorganizing the same, nam-
ing the counties constituting the
same, and fixing the terms of court
to be held in the several counties
therein, and declaring an emer-
gency."

S. B. No. 82, A bill to be entitled
"An Act to amend Section 1 of Chap-
ter 10 of the Acts of the Third Cal-
led Session of the Forty-first Leg-
islature, and declaring an emer-
gency."

With amendments.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 18, 1930.
Hon. Barry Miller, President of the
Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following bills:

By Senator Woodul:

S. B. No. 62, A bill to be entitled
"An Act to amend Title 76, of the
Revised Civil Statutes of Texas of
1925, by adding thereto Article
4646A, providing that no injunction
shall be granted to stay or prevent
the vacating, abandonment or clos-
ing, by the city council or governing
body of any incorporated city of this
State, of any street or alley in any
such incorporated city of this State,
except at the suit of the owner or
lessee of real property actually
abutting on that part of such street
or alley actually vacated, aban-
doned or closed, and then only in
the event that the damages of said
owner or lessee shall not have been
released, etc. "

By Senators Pollard, Greer:

S. B. No. 63, A bill to be entitled
"An Act to create the 120th Judi-
cial District of Texas and to desig-
nate the counties constituting said
District, and fixing the time for
holding court therein; reorganizing
the Eighty-sixth Judicial District of
Texas, and designating the counties
constituting said District and fixing
the time for holding court in the
various counties of said District;
providing for the appointment and
election of a judge of the said 120th
Judicial District of Texas, and that
the district attorney of the Third
Judicial District of Texas shall be

the district attorney of the 120th Judicial District in Anderson and Henderson Counties only, etc., and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 18, 1930.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:
H. C. R. No. 12, Providing for the revision of the rules of the House and Senate, etc.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 18, 1930.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a Free Conference Committee on S. B. No. 30. The following are conferees on the part of the House:

Holder, Moore, Justiss, Shaver, Barnett.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 18, 1930.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee report on H. B. No. 10 (the penitentiary bill) by a vote of 80 yeas and 21 nays.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Free Conference Granted.

On motion of Senator Hyer the Senate granted the request of the House for a Free Conference Committee on H. B. No. 12. The Chair appointed the following on the part of the Senate:

Senators Witt, Hyer, Russek, Woodward and Love.

Motion to Concur.

On motion of Senator Hornsby the Senate concurred in the House amendment to S. B. No. 37.

Free Conference Requested.

Senator Neal moved not to concur in the House amendment to S. B. No. 30 and ask for a Free Conference. The motion prevailed.

The Chair appointed Senators Neal, Greer, Beck, Love and Pollard on the part of the Senate.

Simple Resolution No. 27.

Senator Moore sent up the following resolution:

Whereas, The press of the country has directed attention to the fact that Judge Fred E. Carpenter of Rockford, Illinois, recently declined to perform the marriage ceremony uniting in marriage a negro man and a white girl; and

Whereas, In taking his stern and determined position against the union of the two races Judge Carpenter declared: "The State of Illinois permits such mingling of the races, but I think it is wrong and should be prevented by statute"; and

Whereas, Intermarriage of the black and white races has been (and still is) opposed by Texas and Texans and other Southern States since the foundation of our government; and

Whereas, Judge Carpenter has, in effect, taken the position that intermarriage of the two races will produce evil rather than good;

Now therefore be it

Resolved, That we heartily commend the stern and patriotic stand and position that Judge Carpenter has taken in so important a matter; that we express to him our deep appreciation for the sentiment expressed in his public statement declining to perform the marriage ceremony which would have united members of the two races; that we believe his position in opposing the marriage of members of the two races is right; that we hope his position in this matter and the sentiment expressed in his statement will stimulate others in similar positions to assume a similar public attitude; to the end that all States of the

American Union will enact laws against the marriage of members of the two races; be it further

Resolved, That a copy of this resolution be enrolled and mailed to Judge Carpenter.

Moore, Hyer, Hardin, Witt, Westbrook, Russek, Miller, Hornsby, Gainer.

Read and adopted.

S. C. R. No. 10.

Senator Moore sent up the following resolution:

Whereas, It is evident that many natural resources of Texas are escaping fair, reasonable and equal taxation in the support of the State Government; and

Whereas, Real Estate, particularly small farms and homes, is burdened with taxation beyond the power of the owners to pay; and

Whereas, It is the desire of the Legislature to relieve the farms and homes of the State of the unequal burdens of taxation; and

Whereas, It is possible to bring about the relief sought by taxing resources now escaping their just share of taxation; now therefore be it

Resolved by the Senate, the House of Representatives concurring, That a committee composed of two members of the Senate and three members of the House of Representatives be appointed by the presiding officers of the respective bodies to make a survey and conduct hearings looking to taxing the natural resources; be it further

Resolved, That said committee shall hold its hearings in the City of Austin; that said committee shall have the powers of a district court, to summon and swear witnesses; and take testimony; that said committee may command the services of one or more members of the Attorney General's Department; the better to facilitate its labors; be it further

Amend Senate Bill No. 84 by adding after line 11, page 8, the following:

State Auditor's Department.

| | |
|----------------------|------------|
| For the years ending | |
| August 31, | August 31, |
| 1930 | 1931 |

Amount to be expended in the same manner as the appropriations now in force for the

Resolved, That said committee shall sit in the interim and complete its labors before the convening of the Forty-second Legislature; that said committee shall prepare and recommend to the Regular Session of the Forty-second Legislature a bill or bills taxing natural resources, to the end that ad valorem taxes on the farms and homes of the State may be reduced; be it further

Resolved, That the actual and necessary expenses incident to the labors of said committee shall be paid out of the contingent expense fund of the Senate and House of Representatives.

Moore, Hyer, Greer, Hardin, Gainer, Pollard, Thomason, Patton, Martin, Neal, Love.

The resolution was read.

Senator Witt sent up the following amendment:

Amend the resolution after "natural resources" add the words "and various commercial activities."

WITT.

The amendment was read.

Senator Miller moved to lay the amendment and the resolution on the table subject to call. The motion prevailed.

Senate Bill No. 84.

Senator Pollard moved to take up S. B. No. 84. The motion prevailed. The Chair laid before the Senate the following bill:

By Senator Pollard:

S. B. No. 84, A bill to be entitled "An Act making certain emergency appropriations out of the general revenue of the State of Texas for the several institutions and departments of State government as named herein for the balance of the present fiscal year and for the fiscal year ending August 31, 1931, and declaring an emergency."

Senator Pollard sent up the following amendment:

| | | |
|---|--------------|--------------|
| Auditor's Department | \$ 15,000.00 | \$ 30,000.00 |
| To pay additional salaries of district judges, district attorneys, and court reporters..... | 25,000.00 | 50,000.00 |
| | | POLLARD. |

The amendment was read.

Senator Parrish sent up the following amendment to the amendment:

Amend the amendment to S. B. No. 84 by striking out the items \$30,000.00 and \$40,000.00 for the second year in the State Auditor's Department.

PARRISH.

The amendment to the amendment was read.

Free Conference Report.

Senator Small sent up the following Free Conference Committee report:

Hon. Barry Miller, President of the Senate.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee on House Bill No. 10, appointed to adjust the differences between the House and Senate on said bill beg leave to report that we have arrived at a satisfactory adjustment thereof, and herewith report the following bill as a Free Conference Committee amendment to House Bill No. 10:

A BILL

To Be Entitled

An Act providing for the renovation and rehabilitation of the prison system in the State of Texas: for the improvement of present building and erection of new structures for the purpose of housing the inmates thereof, as well as making present buildings more sanitary, modern, and fireproof; providing for the installation of additional equipment and appliances within the prison walls at Huntsville and on the farm units; providing for a portable housing unit to be used by said system in moving prisoners to points outside the present prison owned properties and utilizing their labor at such points, and authorizing the State Highway Commission and the State Prison Board to construct roads connecting prison owned properties with State or county highways

and providing for the use of prison labor on said roads to be constructed; providing for the sale of the Shaw farm in Bowie County; providing for the sale of prison products to the State Board of Control and the State Highway Commission; providing for levying, draining and reclaiming prison lands and clearing tillable prison lands; making an appropriation of \$450,000.00 for the purpose of erecting improvements and repairs and providing equipment within the State prison walls at Huntsville and for the purpose of erecting and equipping permanent fireproof farm units on the Imperial, Harlem and Darrington farms; making an appropriation of \$100,000.00 for erecting improvements and providing equipment for the Goree and Wynne farms; making an appropriation of \$25,000.00 for the purpose of aiding in the construction of hard surface roads on prison farms; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The purpose of this Act is to renovate, improve and rehabilitate the central unit of the Texas prison system at Huntsville and to construct and modernize the prison farm units of said system to the end that the prison population of Texas may be adequately housed, and securely confined, and gainfully employed in such enterprises as will, in the opinion of the Prison Board, prove most remunerative to the State and beneficial to the prisoners, it being the legislative intent to first relieve the emergency now existing in the walls at Huntsville by providing for reasonable sanitation and hospitalization within this unit and by supplying needed and practicable industrial equipment therein, and then to relieve prison congestion by erecting permanent housing facilities on and for designated farm units.

Sec. 2. To accomplish the purposes enumerated herein the Texas Prison Board is authorized and directed as follows:

A. To equip the present property within the walls with reasonable sanitary devices including the installation of a sewer system for all cell blocks and at other points therein if needed.

B. To provide adequate hospitalization within the walls, including equipment for the scientific diagnosis and treatment of diseases and the installation of an adequate medical supply depot.

C. To acquire and install emergency mechanical devices, equipment, and machinery for shops and industries now operated or that may be operated profitably in said central unit.

D. To erect and equip such prison farm units, as in the opinion of the Prison Board, are necessary to relieve the present prison congestion. The Board is hereby authorized to erect and equip one modern, sanitary fireproof farm unit on either the Imperial, the Darrington or the Harlem farm. Or, in the alternative, if the said Board so elects, it is hereby authorized to erect two such units and locate same on any two of said farms, or if the Board deems expedient, it is hereby authorized to erect three such plants and place one on each of said farms. If one unit is erected it shall be sufficiently commodious to accommodate the number of persons reasonably required for agricultural enterprises on all accessible farms when used in conjunction with the present tenantable and usable facilities now on said farms. If two or three units are erected they shall be so constructed as to accommodate enough prisoners to care for and tend all land accessible thereto. Such unit or units shall be equipped with modern, sanitary devices and supplied with such facilities as are necessary to insure comfortable and humane living conditions for prison inmates. Each unit shall be equipped with a hospital ward adequate for all anticipated needs.

E. The Prison Board is further directed to renovate, remodel and repair the present improvements on the Goree farm, and to make such additions thereto as may be necessary to provide adequate housing facilities for all female inmates of the prison system, and to supply indus-

trial employment for such of the female inmates as may be used profitably in such employment. Adequate hospital facilities shall be provided on this farm for all female prisoners. White and colored prisoners shall be segregated in separate living quarters, work shops, and hospitals.

F. The Prison Board is further directed to take such steps, other and additional, as are incident or necessary to effectuate any and all of the several undertakings herein specially delineated.

Sec. 4. In the erection of the improvements authorized by this Act, it shall be the duty of the Prison Board to use prison labor where practicable, but if such labor is found impracticable, then the Board may contract for such free labor as is necessary. For these enterprises the Board is also directed to use the services of any experts, engineers, architects, or specialists now employed by the State in any department or institution, and if not inconsistent with pre-existing duties, it shall be incumbent upon any and all such experts, engineers, architects, and specialists to render such aid as may be requested by such Board.

Sec. 5. The Prison Board and the State Highway Commission are hereby directed to construct such adequate hard surfaced roads as may be necessary to connect the three prison farms specially mentioned in this Act, to-wit: the Imperial, Darrington, and Harlem farms with existing improved or hard surfaced State or county highways, it being the intention of the Legislature to make these farm units accessible to vehicular traffic at all times. The Highway Department will lay out the necessary roads, make all plans and specifications, necessary therefor, and furnish all such material and equipment as may be necessary for their construction, and also furnish all such supervising, engineering service as may be necessary for such road building projects. The Prison Board is hereby authorized to provide portable housing facilities and road camps for the purpose of utilizing prison labor on these road building projects. The Prison Board is directed to furnish all labor for

these road building enterprises and to cooperate with the Highway Department in their construction, to the end that these projects may be built out of prison labor as nearly as practicable. The expense incurred by the State Highway Department in the construction of these roads shall be borne by said department and paid out of any funds in its hands available for building or for aiding the construction of public highways in this State.

Sec. 6. The Prison Board is here directed to remodel, repair and renovate the present improvements on the Wynne farm and to make such additions to the present housing and hospital equipment thereon as may, in the opinion of the Board, be necessary to convert same into a modern and sanitary prison unit for all tubercular inmates of the prison system, it being the intention of the Legislature to authorize the Prison Board to so equip this unit as to make the same available for the proper housing, treatment and employment of prisoners afflicted with tuberculosis.

Sec. 7. The Prison Board may in its discretion, sell the Shaw farm located in Bowie County, (same being all the prison owned land in said county,) at any time after having given public notice in as many as four daily newspapers published in the State, stating the time, place, and terms of sale, and terms being for not less than one-fifteenth cash, with remainder divided into fifteen equal annual payments, maturing in one to fifteen years, with interest payable annually at the rate of 5% per annum, said deferred payments to be secured by vendor's lien. The proposals for purchase shall be in the form of sealed bids accompanied by cashier's check, payable to the State Treasurer, for the initial cash payment. All conveyances of such land shall be signed and acknowledged by the Governor of Texas and by the chairman of the Prison Board. All oil, gas and mineral rights in and to said land shall be reserved to the State of Texas, with the provision that as and when such oil, gas or other minerals are sold, either by lease or otherwise, an equal one-eighth portion of the net proceeds of such sale or sales, shall be paid

to the State's vendee of the surface, or the heirs or assigns of said vendee. The State shall reserve the usual rights of ingress and egress, and such other rights as are incident and necessary for the proper exploration of said lands for mineral deposits and for the development and sale of such deposits. The mineral rights reserved to the State shall be under jurisdiction of the Prison Land Leasing Board, and all sales of minerals in and under said Shaw farm shall be made by said Land Leasing Board as provided in Senate Bill No. 29, passed at the Fourth Called Session of the Forty-first Legislature. All money derived from the sale of the surface or mineral rights in said prison land shall be paid into the general revenue fund.

Sec. 8. The Prison Board is directed to provide for the levying, drainage and reclaiming of any overflow lands owned by the prison system, and for clearing any uncleared tillable land and for this purpose prison labor shall be used, and the portable road camps and equipment shall be utilized where practicable.

Sec. 9. Authority is hereby given to the Prison Board and to the Board of Control to enter into contracts whereby the Prison Board may sell to the Board of Control any products produced by the prison system, whether such products be agricultural, or manufactured products, and it is hereby made the duty of the Board of Control to purchase all needed prison products when such purchase is economical. When goods, wares, merchandise, or supplies are procured, bought or manufactured and then furnished any department or unit of the prison system, the charge against such department or unit for such goods, wares, merchandise or supplies shall be the identical cost price of such article whether bought or manufactured and with no cost for labor or overhead charge included. When farm products are transferred from one unit or department of the prison system to another the charge of such receiving unit or department shall be at the market price of such product on the day delivered at the place delivered.

Sec. 10. The sum of \$450,000.00 is hereby appropriated out of any money in the State Treasury not

otherwise appropriated for the purpose of defraying the expense incident to erecting the improvements, making the repairs, and providing the equipment to be erected and installed within the walls at Huntsville and on the Harlem, Imperial, and Darrington farms, for the State Prison System which are authorized by this Act.

Sec. 11. Out of the funds appropriated by the Section 10 of this Act the State Prison Board is here directed to make the following expenditures, to-wit:

A. The sum of \$150,000.00 shall be used for erecting and providing the improvements and equipment within the present prison walls at Huntsville.

B. The sum of \$300,000.00 shall be used in erecting the permanent fireproof unit or units and in equipping said unit or units to be erected on the prison farms as authorized in Section 2, Subdivision D, of this Act.

Sec. 12. The sum of \$100,000.00 or so much thereof as may be necessary is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the purpose of erecting the improvements and providing the repairs on the Goree and Wynne farms. Out of said fund the Prison Board shall not spend more than \$50,000.00 on the Goree farm.

Sec. 13. The sum of \$25,000.00, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the purpose of providing the equipment and defraying the expense incident to constructing the hard surface roads as provided for in Section 5 of this Act.

Sec. 14. The fact that our present prison system is not adequate for the needs of the State and that it does not provide for the proper treatment of prisoners and is badly in need of rehabilitation and renovation, and that the properties are now badly over-crowded, makes it imperative that the State Prison System be improved as speedily as possible and that proper housing facilities be furnished the inmates thereof; such facts create an emergency and an imperative public necessity demanding that the constitutional

rule requiring bills to be read on three several days in each House be suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Respectfully submitted,

McCOMBS,

YOUNG,

GRAVES of Williamson,

On the part of the House.

GREER,

GAINER,

MARTIN,

DeBERRY,

SMALL,

On the part of the Senate.

The report was read.

Motion to Concur.

On motion of Senator Pollard, the Senate concurred in the House amendment to S. B. No. 63.

Recess.

Senator Russek moved to recess until 2:30 o'clock.

Senator Gainer moved as a substitute that the Senate recess until 2 o'clock.

The motion to recess until 2:30 prevailed and at 12:13 o'clock the Senate recessed.

After Recess.

The Senate met at 2:30 o'clock p. m., pursuant to recess, and was called to order by President Pro Tem Williamson.

Message From the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following message:

Executive Department,

Austin, Texas, March 18, 1930.

To the Senate of Texas:

Subject to your confirmation, I have today appointed Honorable George H. Sheppard, of Sweetwater, to be Comptroller of Public Accounts of the State of Texas.

Respectfully submitted,

(Signed) DAN MOODY.

Read and referred to Committee on Governor's Nominations.

Motion to Concur.

On motion of Senator Pollard,

the Senate voted to concur in the House amendment to S. B. No. 82.

Senators Excused.

On motion of Senator Pollard, Senator Witt was excused for the afternoon and tomorrow on account of important business.

Bills Signed.

The Chair, President Pro Tem Williamson, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 37.
S. B. No. 39.
S. B. No. 44.
S. B. No. 63.
S. B. No. 82.
S. B. No. 62.

Executive Session Set.

On motion of Senator DeBerry, the Senate voted to go into executive session Thursday morning at 11:45 o'clock.

House Bill Referred.

H. B. No. 158 referred to Committee on Civil Jurisprudence.

Senator Witt Resigns.

Senator Witt resigned from the Free Conference Committee on H. B. No. 12.

The Chair appointed Senator Parr to the Committee.

House Bill No. 10.

The question recurred on the adoption of the Free Conference Committee report on H. B. No. 10.

Senator Moore moved the previous question on the adoption of the report. The motion was lost by the following vote:

Yeas—12.

| | |
|-----------|------------|
| Berkeley. | Parrish. |
| Gainer. | Pollard. |
| Hornsby. | Thomason. |
| Hyer. | Westbrook. |
| Love. | Woodul. |
| Moore. | Woodward. |

Nays—14.

| | |
|-------------|-----------|
| Cousins. | Hardin. |
| Cunningham. | Holbrook. |
| Greer. | Martin. |

| | |
|------------|-------------|
| McFarlane. | Patton. |
| Miller. | Russek. |
| Neal. | Williamson. |
| Parr. | Wirtz. |

Present—Not Voting.

| | |
|----------|--------|
| DeBerry. | Small. |
|----------|--------|

Absent.

Witt.

Absent—Excused.

| | |
|-------|------------|
| Beck. | Stevenson. |
|-------|------------|

Senator Love moved the previous question on the adoption of the resolution. The motion failed to receive the proper seconding.

Senator Love moved the previous question on the adoption of the resolution. The motion was lost.

The report was adopted by the following vote:

Yeas—29.

| | |
|-------------|-------------|
| Berkeley. | Neal. |
| Cousins. | Parr. |
| Cunningham. | Parrish. |
| DeBerry. | Patton. |
| Gainer. | Pollard. |
| Greer. | Russek. |
| Hardin. | Small. |
| Holbrook. | Thomason. |
| Hornsby. | Westbrook. |
| Hyer. | Williamson. |
| Love. | Wirtz. |
| Martin. | Witt. |
| McFarlane. | Woodul. |
| Miller. | Woodward. |
| Moore. | |

Absent—Excused.

| | |
|-------|------------|
| Beck. | Stevenson. |
|-------|------------|

Reason for Vote.

In voting for adoption of the joint conference report on H. B. No. 10, I do so because it appears that this is the only course left me to secure any relief whatever from the miserable conditions existing on the State penitentiary farms. I shall continue to advocate and fight for a program that will eventually end in the construction of a modern penitentiary plant located near the Capital of Texas, and the complete removal of the prison system from those overflow lands located on and near the lower reaches of the Brazos River.

HOLBROOK.

House Bill No. 158.

The Chair laid before the Senate the following bill:

By Mr. Metcalfe:

H. B. No. 158, A bill to be entitled "An Act amending Chapter 12 of the Acts of the First Called Session of the Fortieth Legislature of the State of Texas of 1927, relating to the organization of the Fifty-first (51) Judicial District of the State of Texas; reorganizing the same; naming the counties constituting the same, and fixing the terms of court to be held in the several counties therein; amending Chapter 36 of the Acts of the Regular Session of the Thirty-ninth Legislature of the State of Texas, relating to the organization of the Thirty-fifth (35) Judicial District of the State of Texas, reorganizing the same, naming the counties constituting the same, and fixing the terms of court to be held in the several counties therein, and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by a two-thirds vote.

The committee report was adopted.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 158 was put on its second reading by the following vote:

Yeas—28.

| | |
|-------------|-------------|
| Berkeley. | Moore. |
| Cousins. | Neal. |
| Cunningham. | Parr. |
| DeBerry. | Parrish. |
| Gainer. | Patton. |
| Greer. | Pollard. |
| Hardin. | Russek. |
| Holbrook. | Small. |
| Hornsby. | Thomason. |
| Hyer. | Westbrook. |
| Love. | Williamson. |
| Martin. | Wirtz. |
| McFarlane. | Woodul. |
| Miller. | Woodward. |

Absent—Excused.

| | |
|------------|-------|
| Beck. | Witt. |
| Stevenson. | |

The bill was read second time and passed to third reading.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was

suspended and H. B. No. 158 was put on its third reading and final passage, by the following vote:

Yeas—28.

| | |
|-------------|-------------|
| Berkeley. | Moore. |
| Cousins. | Neal. |
| Cunningham. | Parr. |
| DeBerry. | Parrish. |
| Gainer. | Patton. |
| Greer. | Pollard. |
| Hardin. | Russek. |
| Holbrook. | Small. |
| Hornsby. | Thomason. |
| Hyer. | Westbrook. |
| Love. | Williamson. |
| Martin. | Wirtz. |
| McFarlane. | Woodul. |
| Miller. | Woodward. |

Absent—Excused.

| | |
|------------|-------|
| Beck. | Witt. |
| Stevenson. | |

Read third time and finally passed by the following vote:

Yeas—25.

| | |
|-------------|-------------|
| Berkeley. | Parr. |
| Cousins. | Parrish. |
| Cunningham. | Patton. |
| Gainer. | Pollard. |
| Greer. | Russek. |
| Hardin. | Small. |
| Holbrook. | Thomason. |
| Hornsby. | Westbrook. |
| Hyer. | Williamson. |
| Love. | Wirtz. |
| Martin. | Woodul. |
| Moore. | Woodward. |
| Neal. | |

Nays—3.

| | |
|------------|---------|
| DeBerry. | Miller. |
| McFarlane. | |

Absent—Excused.

| | |
|------------|-------|
| Beck. | Witt. |
| Stevenson. | |

Senate Bill No. 84.

The question recurred on the pending amendment to the amendment to S. B. No. 84.

Senator Parrish withdrew his amendment.

Senator Wirtz sent up the following amendment to the amendment:

Amend the amendment to the amendment by adding thereto the following:

"All supplies, appliances and other utensils provided for in this appropriation shall be purchased by the Board of Control on specifications furnished by the State Auditor."

WIRTZ.

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Senator Pollard sent up the following amendment:

Amend Senate Bill No. 84 by adding after the Department of Agriculture the following:

Texas Prison System.

| | For the years ending | |
|---|----------------------|---------------------|
| | August 31, 1930 | August 31, 1931 |
| Support and Maintenance: | | |
| Bedding and clothing | \$ 83,806.60 | \$ 83,806.60 |
| Dental supplies | 510.72 | 510.72 |
| Drugs | 3,979.87 | 3,979.87 |
| Miscellaneous and contingent expenses | 209,132.80 | 201,132.80 |
| Office supplies | 869.83 | 869.83 |
| Hospital and surgical supplies | 4,955.22 | 4,955.22 |
| Tools, implements and miscellaneous | 35,671.69 | 35,671.69 |
| Salaries (Supplemental): | | |
| Cashier | \$ 300.00 | \$ 600.00 |
| Assistant day warden | 200.00 | 400.00 |
| Seven farm stewards @ \$80.00 | 3,360.00 | 6,720.00 |
| Twenty-two dog sergeants (increase from \$75.00 to \$90.00), (Re-established positions) | 1,980.00 | 3,960.00 |
| Manager prison store | 900.00 | 1,800.00 |
| Hospital Physician | 1,800.00 | 3,600.00 |
| Sixty-five Guards @ \$75.00 | 29,250.00 | 58,500.00 |
| Additional Appropriations: | | |
| X-Ray equipment | 5,000.00 | |
| Laboratory equipment | 2,000.00 | |
| Dental equipment | 1,000.00 | |
| Insecticide and equipment for Cotton Poisoning | 50,000.00 | 50,000.00 |
| Total | \$488,311.27 | \$527,332.19 |

POLLARD.

The amendment was read.

Senator Russek sent up the following amendment to the amendment:

Amend the pending amendment by striking out all sums for the second year.

RUSSEK,
WESTBROOK.

The amendment to the amendment was read and adopted.

On motion of Senator McFarlane, the amendment as amended was laid on the table subject to call.

Senator Pollard sent up the following amendment:

Amend Senate Bill No. 84 by adding a new paragraph after the Department of Education, line 19, as follows:

State Comptroller's Department.

| | For the years ending | |
|---|----------------------|-----------------|
| | August 31, 1930 | August 31, 1931 |
| Salaries for stenographers and typists to write and register Highway warrants (None to exceed \$125.00 per mo.) | \$ 625.00 | \$ 4,500.00 |

Secretary of State.

For the purpose of printing the Session Acts and

| | For the years ending | |
|---|----------------------|--------------------|
| | August 31, 1930 | August 31, 1931 |
| Journals of the various sessions of the Forty-first Legislature | \$ 2,000.00 | |
| Court of Criminal Appeals. | | |
| Assistant State's Attorney before the Court of Criminal Appeals | \$ 1,250.00 | \$ 3,000.00 |

POLLARD.

The amendment was read and adopted.

Senator Woodward sent up the following amendment:

Amend S. B. No. 84 by adding after the word "Department," line 22, a section entitled, "Appropriation for Assistant District Attorney 35th Judicial District of Texas," and by adding the following:

For salary of assistant district attorney as created by Chapter 297,

Amend Senate Bill No. 84 by adding after line 6, page 8, under the Adjutant General's Department, the following:

Attorney General's Department.

| | For the years ending | |
|---|----------------------|--------------------|
| | August 31, 1930 | August 31, 1931 |
| To supplement the law enforcement and traveling expense appropriation | \$ 9,000.00 | |
| | \$ 9,000.00 | |

POLLARD.

Read and adopted.

Amend Senate Bill No. 84, page 12, by adding a new paragraph immediately preceding Section 2 as follows:

Department of Agriculture.

| | For the years ending | |
|--|----------------------|--------------------|
| | August 31, 1930 | August 31, 1931 |
| For salaries and expenses in the administration of the Pink Boll-worm Law, and inspection and eradication of the Tuber Moth, sweet potato weevil, and other dangerous pests and plant diseases | \$ 3,000.00 | \$ 6,000.00 |
| Collecting, compiling and disseminating agricultural information | 1,500.00 | 1,500.00 |
| Traveling expenses | 2,500.00 | 2,500.00 |
| General office expenses, including furniture, fixtures, stationery, postage, printing, express, telephone, telegraph, and contingent | 2,000.00 | 2,000.00 |
| For testing butter fat in milk, and testing water, light and gas meters | 750.00 | 1,800.00 |
| Salary of stenographer and mimeograph operator for Market News Service at San Antonio office | 625.00 | 1,500.00 |
| Total | \$ 13,375.00 | \$ 15,300.00 |

POLLARD.

Read and adopted.

Senator Wirtz sent up the following amendment:

Amend S. B. No. 84, page 4, under Southwest Texas State Teachers College, by adding after line 13 the following:

"Library Building, year ending August 31, 1931, \$175,000.00."

WIRTZ.

Read and adopted by the following vote:

Yeas—19.

| | |
|-----------|-------------|
| Berkeley. | Patton. |
| Gainer. | Pollard. |
| Hornsby. | Russek. |
| Hyer. | Small. |
| Love. | Thomason. |
| Martin. | Westbrook. |
| Moore. | Williamson. |
| Neal. | Wirtz. |
| Parr. | Woodward. |
| Parrish. | |

Nays—6.

| | |
|-------------|------------|
| Cunningham. | Holbrook. |
| DeBerry. | McFarlane. |
| Greer. | Miller. |

Absent.

| | |
|----------|---------|
| Cousins. | Woodul. |
| Hardin. | |

Absent—Excused.

| | |
|------------|-------|
| Beck. | Witt. |
| Stevenson. | |

Senator Berkeley sent up the following amendment:

Amend S. B. No. 84, page 4, of the printed bill, under Sul Ross State Teachers College appropriations, by adding a new line known as 17a, "Equipment for new library, education and recitation building \$27,500.00, for the year beginning September 1, 1930, ending August 31, 1931."

BERKELEY.

Read and adopted.

Senator Small sent up the following amendment:

Amend S. B. No. 84, adding the following: "General Land Office" For making survey of land and carrying out provisions Senate Bill No. 296, Regular Called Session. Forty-first Legislature the sum of \$5000.00.

SMALL.

Read and adopted.

Senator Love sent up the following amendment:

Amend by adding the following new section:

Section 1a. Article 6221 of the Revised Civil Statutes of 1925 as amended by Chapter 5 of the General Laws of the Second Called Session of the Forty-first Legislature is hereby amended so as to read as follows:

Article 6221 (a) On the first day of September and on the first day of March of each year the Comptroller shall first allot to each married veteran who has lived continuously with his wife since January 1, 1900, and who is now drawing a pension or whose application may hereafter be approved, such wife being alive at the time of the taking effect of this law, the sum of fifty (\$50.00) dollars per month for each year for as long as they both may live, and after the death of either party, then the said veteran or his widow still living shall draw only an amount equal to other veterans or their widows. To each veteran now unmarried or a widower or a widow who is drawing a pension or whose application may be hereafter approved shall be paid the sum of twenty-five (\$25.00) per month for each year and the remainder of said pension fund (after reimbursing the general revenue fund for any advancement theretofore made to the pension fund) shall be equally prorated among all of said pensioners in indigent circumstances and whose claims to pensions have been established and filed; and the Comptroller shall issue his warrants for the amounts due said pensioners in the manner provided by law on the first day of each month. All such pensions shall begin on the first day of the month following which the application is approved. If the pension fund is insufficient to pay fifty (\$50.00) dollars per month, and twenty-five (\$25.00) dollars per month, respectively, to each pensioner in the respective classes hereinbefore mentioned, a sufficient amount shall be advanced by the State Treasurer out of the general revenue of the State in the State Treasury other than revenues derived from property taxes for that purpose and placed in the pension

fund and the same shall be used for the purpose of paying said pensions and the amount so advanced shall be repaid out of the pension fund to the general revenue fund by the State Treasurer when there shall be a surplus in the pension fund over and above enough to pay said fifty dollars and twenty-five dollars per month to said classes of pensioners.

LOVE,
WILLIAMSON,

Read and adopted.

Senator Hyer sent up the following amendment:

Amend S. B. No. 84, page 2, by adding under North Texas Agricultural College the following: "For purchasing land for additional campus and dormitory place for year ending August 31, 1931, \$28,500.00."

HYER.

Amend Senate Bill No. 84, page 3, by adding after Sam Houston State Teachers College, line 30, the following:

| | |
|--|----------------------------|
| | For the years ending |
| | August 31, August 31, |
| | 1930 1931 |

For upkeep and improvement of Sam Houston
home and grounds\$ 10,000.00

PATTON.

Read and adopted.

Senator DeBerry sent up the following amendment:

Amend S. B. No. 84, page 1, line 32, by striking out the figures \$200,000.00.

DeBERRY.

The amendment was read.

Senator Gainer moved to table the amendment. The motion prevailed by the following vote:

Yeas—21.

| | |
|-----------|-------------|
| Berkeley. | Parrish. |
| Cousins. | Patton. |
| Gainer. | Pollard. |
| Hardin. | Russek. |
| Hornsby. | Small. |
| Love. | Thomason. |
| Martin. | Westbrook. |
| Miller. | Williamson. |
| Moore. | Wirtz. |
| Neal. | Woodward. |
| Parr. | |

Nays—4.

| | |
|-------------|------------|
| Cunningham. | Greer. |
| DeBerry. | McFarlane. |

Read and adopted.

Senator Miller sent up the following amendment:

Amend S. B. No. 84 under the College of Industrial Arts by adding the following:

"\$15,000.00 for dormitory furniture and \$15,000.00 for steam connections for said dormitories, to be used second year. Provided, however, that this appropriation shall be effective only if the University of Texas does not use the \$150,000.00 already appropriated for the second year for furniture and steam connections for dormitories at said institution."

MILLER.

Read and adopted.

Senator Patton sent up the following amendment:

Absent.

| | |
|-----------|---------|
| Holbrook. | Woodul. |
| Hyer. | |

Absent—Excused.

| | |
|------------|-------|
| Beck. | Witt. |
| Stevenson. | |

Senator Martin sent up the following amendment:

Amend S. B. No. 84, page 7, by inserting between lines 22 and 23 the following:

Joint stenographer for Supreme Court reporter and for reporter of Court of Criminal Appeals, \$900.00 for first year; \$1,800.00 for second year.

MARTIN.

Read and adopted.

Senator Woodward sent up the following amendment:

Amend S. B. No. 84 by adding between lines 28 and 29, page 7, the following: "Courts of Civil Appeals," and by then adding the following, to-wit:

"Section 1. That the following sums of money, or so much thereof as may be necessary, be, and the

same are hereby appropriated out of the money in the State Treasury, not otherwise appropriated, to pay the actual necessary traveling and living expenses of the Justices of the Courts of Civil Appeals, incurred by them under the provisions of Article 1738, of the Revised Civil Statutes of 1925, as amended by Chapter 51, page 148, of the General and Special Laws of Texas, en-

acted by the Fortieth Legislature at its First Called Session; such expenses being incurred by the Justices of the Courts of Civil Appeals hearing oral arguments in cases transferred from one Court of Civil Appeals to another Court of Civil Appeals at the place from which such cases are transferred, and for the two-year period beginning September 1, 1929, and ending August 31, 1931:

For the years ending
August 31, August 31,
1930 1931

Actual and necessary traveling and living ex-
penses \$ 1,500.00 \$ 1,500.00
WOODWARD.

Read and adopted.

Senator Parrish sent up the following amendment:

Amend S. B. 84, page 3, by inserting between lines 18 and 19 the following:

Library building \$200,000.00, second column.

PARRISH.

The amendment was read.

Senator DeBerry moved to table the amendment. The motion was lost by the following vote:

Yeas—10.

| | |
|-------------|------------|
| Cousins. | McFarlane. |
| Cunningham. | Miller. |
| DeBerry. | Russek. |
| Greer. | Thomason. |
| Holbrook. | Wirtz. |

Nays—13.

| | |
|-----------|-------------|
| Berkeley. | Parr. |
| Gainer. | Parrish. |
| Hardin. | Patton. |
| Hornsby. | Pollard. |
| Love. | Small. |
| Martin. | Williamson. |
| Moore. | |

Present—Not Voting.

Woodward.

Absent.

| | |
|-------|------------|
| Hyer. | Westbrook. |
| Neal. | Woodul. |

Absent—Excused.

| | |
|------------|-------|
| Beck. | Witt. |
| Stevenson. | |

The amendment was adopted.

Senator Parr sent up the following amendment:

Amend S. B. No. 84, page 3, line 22, by adding below line 22 the following:

Domestic science house \$20,000.00.
Cow barn \$8,800.00. First half.
Health building \$15,750.00.

PARR.

Read and adopted by the following vote:

Yeas—19.

| | |
|-----------|-------------|
| Berkeley. | Parrish. |
| Cousins. | Patton. |
| Gainer. | Pollard. |
| Holbrook. | Russek. |
| Hornsby. | Small. |
| Love. | Thomason. |
| Martin. | Westbrook. |
| Moore. | Williamson. |
| Neal. | Wirtz. |
| Parr. | |

Nays—4.

| | |
|----------|------------|
| DeBerry. | McFarlane. |
| Greer. | Miller. |

Absent.

| | |
|-------------|-----------|
| Cunningham. | Woodul. |
| Hardin. | Woodward. |
| Hyer. | |

Absent—Excused.

| | |
|------------|-------|
| Beck. | Witt. |
| Stevenson. | |

Senator Small sent up the following amendments:

Amend S. B. No. 84, page 4, under

head "West Texas State Teachers' College," after summer school, the following:

For light, heat and fuel, 3,000.00.
SMALL.

Read and adopted.

Amend S. B. No. 84 by adding a new section as follows:

Court Civil Appeals Seventh Supreme District: for law books \$400.00.

SMALL.

Read and adopted.

Senator Love sent up the following amendment:

Amend S. B. No. 84 by inserting on page 7, line 28, the following:

For Confederate Woman's Home dormitory building and equipment \$75,000.00. Hospital and equipment \$50,000.00. Employees house and equipment \$25,000.00. Total \$150,000.00.

LOVE.

Read and adopted.

Senator DeBerry sent up the following amendment:

Amend S. B. No. 84 page 2, by striking out all of lines 19, 20, 21, 22, 23, 24, 25, 26, 27.

DeBERRY.

Amend Senate Bill No. 84 by adding after State Department of Health, page 12, line 11, the following:

State Highway Department.

Administration Division:

Contingent fund for new positions or any other necessary expense as directed by the Highway Commissioners

For the years ending
August 31, August 31,
1930 1931

\$ 4,791.67

Engineering Division:

Assistant Engineer of Materials and Tests.....
Stenographer

1,750.00 3,000.00
875.00 1,500.00

Accounting Division:

Construction clerk
General Clerk
Head Key Punch Operator.....

1,050.00 1,800.00
1,050.00 1,800.00
933.33 1,600.00

Maintenance Division:

Maintenance Clerk

1,050.00 1,800.00

General Division:

Statistician

2,800.00 4,800.00

Total \$ 14,300.00 \$ 16,300.00

The said sums of \$14,300.00 and \$16,300.00 are hereby appropriated out of the highway funds of this State.

POLLARD.

The amendment was read.

Point of No Quorum.

Senator Miller raised the point of order that a quorum was lacking. The roll call showed 23 present.

Senate Bill No. 84.

The question recurred on the pending amendment to S. B. No. 84.

Senator Westbrook moved to table the amendment. The motion prevailed.

Senator Williamson sent up the following amendment:

Amend S. B. No. 84, page 7, under "State Board of Control" by adding after line 26 the following: "for purchase of land for site of park adjoining the Alamo in the City of San Antonio \$100,000.00 \$150,000.00.

WILLIAMSON,
WIRTZ.

Read and adopted.

Senator Pollard sent up the following amendment:

Read and adopted by the following vote:

Yeas—13.

| | |
|-----------|-------------|
| Berkeley. | Patton. |
| Gainer. | Pollard. |
| Hornsby. | Russek. |
| Hyer. | Thomason. |
| Love. | Westbrook. |
| Parr. | Williamson. |
| Parrish. | |

Nays—9.

| | |
|-------------|------------|
| Cousins. | Martin. |
| Cunningham. | McFarlane. |
| DeBerry. | Miller. |
| Greer. | Moore. |
| Holbrook. | |

Present—Not Voting.

Wirtz.

Absent.

| | |
|---------|-----------|
| Hardin. | Woodul. |
| Neal. | Woodward. |
| Small. | |

* Amend Senate Bill No. 84 by adding after the Texas Prison System the following:

| | |
|--|-----------------------|
| | For the years ending |
| | August 31, August 31, |
| | 1930 1931 |

To pay the estimated one-third part of the State for paying in front of the penitentiary property on 11th Street, between Avenue H and Avenue G in the City of Huntsville; same being the street on which State highways 19 and 45 merge in passing through Huntsville, Texas -----

\$ 2,542.74

Total ----- \$ 2,542.74

PATTON.

Read and adopted.

The bill as amended passed to engrossment by the following vote:

Yeas—19.

| | |
|-----------|-------------|
| Berkeley. | Parr. |
| Gainer. | Parrish. |
| Hardin. | Pollard. |
| Hornsby. | Russek. |
| Hyer. | Thomason. |
| Love. | Westbrook. |
| Martin. | Williamson. |
| Miller. | Wirtz. |
| Moore. | Woodul. |
| Neal. | |

Nays—6.

| | |
|-------------|----------|
| Cousins. | DeBerry. |
| Cunningham. | Greer. |

Absent—Excused.

Beck.
Stevenson.

Witt.

Senator Pollard called up from the table Amendment No. 3.

Senator McFarlane sent up the following amendment to the amendment:

Amend S. B. No. 84, Texas Prison System section, by adding to the end of said section the following: "Provided that the unexpended money heretofore appropriated for 1927-1929 for the different unused funds of Prison System is hereby placed in the General Revenue Fund of the State Treasury."

McFARLANE.

Read and adopted.

The amendment as amended was adopted.

Senator Patton sent up the following amendment:

Holbrook.

McFarlane.

Absent.

Patton.
Small.

Woodward.

Absent—Excused.

Beck.
Stevenson.

Witt.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 84 was put on its third reading and final passage by the following vote:

Yeas—26.

Berkeley.

Cousins.

| | |
|-------------|-------------|
| Cunningham. | Moore. |
| DeBerry. | Neal. |
| Gainer. | Parr. |
| Greer. | Parrish. |
| Hardin. | Patton. |
| Holbrook. | Pollard. |
| Hornsby. | Russek. |
| Hyer. | Thomason. |
| Love. | Westbrook. |
| Martin. | Williamson. |
| McFarlane. | Wirtz. |
| Miller. | Woodul. |

Absent.

| | |
|--------|-----------|
| Small. | Woodward. |
|--------|-----------|

Absent—Excused.

| | |
|------------|-------|
| Beck. | Witt. |
| Stevenson. | |

Read third time and finally passed by the following vote:

Yeas—19.

| | |
|-----------|-------------|
| Berkeley. | Parr. |
| Gainer. | Parrish. |
| Hardin. | Pollard. |
| Hornsby. | Russek. |
| Hyer. | Thomason. |
| Love. | Westbrook. |
| Martin. | Williamson. |
| Miller. | Wirtz. |
| Moore. | Woodul. |
| Neal. | |

Nays—6.

| | |
|-------------|------------|
| Cousins. | Greer. |
| Cunningham. | Holbrook. |
| DeBerry. | McFarlane. |

Absent.

| | |
|---------|-----------|
| Patton. | Woodward. |
| Small. | |

Absent—Excused.

| | |
|------------|-------|
| Beck. | Witt. |
| Stevenson. | |

Reason for Vote.

On Senate Bill No. 84 I vote nay for the following reasons. I would have voted for a reasonable appropriation for summer schools but this bill has been increased over one million dollars by amendments from the floor and it is evident that there is not one-fourth enough money available to pay these appropriations; therefore I vote against the bill.

DeBERRY.

Reason for Vote.

I vote yea on this bill in order to keep summer schools open but am opposed to the many amendments tacked on to the bill greatly increasing appropriations. I believe the Free Conference Committee will cut out many of these amendments and also believe that the Governor will veto many items that I feel should be vetoed from this bill.

MILLER.

Simple Resolution No. 25.

Senator Love called up from the table Simple Resolution No. 25, relating to sense of the Senate on the sulphur tax.

Senator Wirtz raised the point of order that a resolution of the same kind had been previously defeated, and further that a Free Conference Committee could not be instructed except at the time of its appointment.

Senator Miller moved to adjourn until 10 o'clock tomorrow morning.

Senator Gainer moved to recess until 8 o'clock tonight.

The motion to adjourn was lost by the following vote:

Yeas—10.

| | |
|-----------|------------|
| Cousins. | Miller. |
| Hardin. | Parr. |
| Holbrook. | Russek. |
| Hyer. | Westbrook. |
| Martin. | Wirtz. |

Nays—14.

| | |
|------------|-------------|
| Berkeley. | Neal. |
| DeBerry. | Parrish. |
| Gainer. | Pollard. |
| Hornsby. | Thomason. |
| Love. | Williamson. |
| McFarlane. | Woodul. |
| Moore. | Woodward. |

Absent.

| | |
|-------------|---------|
| Cunningham. | Patton. |
| Greer. | Small. |

Absent—Excused.

| | |
|------------|-------|
| Beck. | Witt. |
| Stevenson. | |

The motion to recess was lost.

The question recurred on the point of order.

The Chair sustained the point of order.

Free Conference Requested.

On motion of Senator Parr, the Senate refused to concur in the House amendment to S. B. No. 53, and requested a Free Conference Committee.

The Chair appointed the following on the part of the Senate:

Senators Holbrook, Russek, Parr, Miller and Neal.

House Bills Referred.

H. B. No. 100, referred to Committee on State Affairs.

H. C. R. No. 12, referred to Committee on Rules.

H. B. No. 136, referred to Committee on State Affairs.

H. B. No. 139, referred to Committee on Highways and Motor Traffic.

Motion to Adjourn.

Senator Russek moved to adjourn until 10 o'clock tomorrow morning. The motion was lost by the following vote:

Yeas—13.

| | |
|-------------|-------------|
| Cousins. | Moore. |
| Cunningham. | Parr. |
| Hardin. | Russek. |
| Holbrook. | Westbrook. |
| Hyer. | Williamson. |
| Martin. | Wirtz. |
| Miller. | |

Nays—14.

| | |
|------------|-----------|
| Berkeley. | Neal. |
| DeBerry. | Parrish. |
| Gainer. | Patton. |
| Greer. | Pollard. |
| Hornsby. | Thomason. |
| Love. | Woodul. |
| McFarlane. | Woodward. |

Absent.

Small.

Absent—Excused.

| | |
|------------|-------|
| Beck. | Witt. |
| Stevenson. | |

Motion to Adjourn.

Senator Gainer moved to recess until 8 o'clock tonight.

Senator Miller moved to adjourn until 9:59 o'clock tomorrow morning. The motion was lost by the following vote:

Yeas—11.

| | |
|-----------|------------|
| Cousins. | Moore. |
| Hardin. | Parr. |
| Holbrook. | Russek. |
| Hyer. | Westbrook. |
| Martin. | Wirtz. |
| Miller. | |

Nays—16.

| | |
|-------------|-------------|
| Berkeley. | Neal. |
| Cunningham. | Parrish. |
| DeBerry. | Patton. |
| Gainer. | Pollard. |
| Greer. | Thomason. |
| Hornsby. | Williamson. |
| Love. | Woodul. |
| McFarlane. | Woodward. |

Absent.

Small.

Absent—Excused.

| | |
|------------|-------|
| Beck. | Witt. |
| Stevenson. | |

Simple Resolution No. 28.

Senator Pollard sent up the following resolution:

Be It Resolved That the Senate Free Conference Committee on H. B. No. 2 be instructed to report to the Senate not later than 10:30 a. m., March 19, 1930, and that upon a failure of said conferees to report to the Senate that they thereby vacate their positions and the President be and is hereby instructed to appoint other and additional conferees.

POLLARD,
THOMASON.

The resolution was read.

Senator McFarlane sent up the following substitute:

Resolved That the Free Conference Committee on sulphur be instructed to report at 1:30 a. m. March 19, and if they fail to reach an agreement that a new Free Conference Committee be appointed and that the new Free Conference Committee be instructed to vote for a \$0.75 compromise.

McFARLANE.

The substitute was read.

Senator Wirtz moved to table the substitute. The motion prevailed by the following vote:

Yeas—12.

| | |
|-------------|---------|
| Cunningham. | Gainer. |
|-------------|---------|

| | |
|-----------|------------|
| Hardin. | Moore. |
| Holbrook. | Russek. |
| Hyer. | Westbrook. |
| Martin. | Wirtz. |
| Miller. | Woodul. |

Nays—11.

| | |
|------------|-----------|
| Berkeley. | Parrish. |
| DeBerry. | Patton. |
| Greer. | Pollard. |
| Hornsby. | Thomason. |
| McFarlane. | Woodward. |
| Neal. | |

Present—Not Voting.

Williamson.

Absent.

Small.

(Pairs Recorded.)

Senator Cousins (present) who would vote yea, with Senator Witt (absent) who would vote nay.

Senator Love (present) who would vote nay, with Senator Stevenson (absent) who would vote yea.

Senator Parr (present) who would vote yea, with Senator Beck (absent) who would vote nay.

Senator Parr moved to adjourn until 10 o'clock tomorrow morning. The motion was lost by the following vote:

Yeas—12.

| | |
|-----------|------------|
| Cousins. | Moore. |
| Hardin. | Parr. |
| Holbrook. | Russek. |
| Hyer. | Westbrook. |
| Martin. | Wirtz. |
| Miller. | Woodul. |

Nays—14.

| | |
|-------------|------------|
| Berkeley. | McFarlane. |
| Cunningham. | Neal. |
| DeBerry. | Parrish. |
| Gainer. | Patton. |
| Greer. | Pollard. |
| Hornsby. | Thomason. |
| Love. | Woodward. |

Present—Not Voting.

Williamson.

Absent

Small.

Absent—Excused.

Beck.

Witt.

Stevenson.

Senator Holbrook sent up the following amendment:

Amend S. R. No. 28 by adding thereto the following: "provided, however, that the Senate Committee shall not resign until the present House Committee resigns."

HOLBROOK.

The amendment was read.

Senator Love raised the point of order that neither House of the Legislature could dictate to the other, and therefore the amendment was out of order.

The Chair overruled the point of order.

Senator Pollard withdrew the resolution.

Adjournment.

On motion of Senator Moore, the Senate, at 6:48 o'clock, adjourned until 10:00 o'clock tomorrow morning.

APPENDIX.**Petitions and Memorials.**

Penitentiary Warden Proves His Theory That Kindness and Not The "Bat" Is Best for Convicts.

(Special to The Houston Chronicle.)

HUNTSVILLE, Tex., July 15.—Old timers at the Texas penitentiary laughed at E. F. Harrell, when he announced a year ago when he took the job as warden that the prison would be run with kindness rather than with the "bat."

But after the first year Warden Harrell's methods of handling prisoners has ceased to be a theory. During his tenure as warden, Harrell has not used the "bat" on a single man. The old timers said it could not be done, and that discipline could not be maintained without holding an iron hand over the convicts.

"We give the men plenty of wholesome food, clean places to sleep and expect to get a good day's work from each inmate," Warden Harrell said. "After the week's work from each inmate there is always some form of amusement for the prisoners. It keeps them from thinking about their troubles and helps to build up the proper morale among the prison population."

The penitentiary has its own movies, and at different intervals a vaudeville program is arranged.

"We gather our theatrical cast from the prisoners," Warden Harrell said. "We have actors who have had professional experience, singers, dancers and musicians. Our male quartet can hardly be excelled, and the prison orchestra, under the leadership of Jack O'Neal, is as good as anyone wants to listen to."

Religious services are held each Sunday, although attendance is not compulsory. Rev. W. E. Miller is the prison chaplain of practically every faith.

Rev. J. D. Cheatham, the 19-year-old boy evangelist, held a meeting at the penitentiary several weeks ago, in which he gained many conversions. "That boy preacher went over big with the men," Warden Harrell said.

One of the best baseball diamonds in East Texas has been built for the prisoners. Two baseball teams represent the prisoners, one white team and one negro. The baseball diamond connects with the walls, which permits the inmates to file into the grandstand. The convicts are separated from the playing field by heavy mesh wire. Pickets are stationed at several points along the outer fences of the ball park, in which guards are stationed. The diamond is known as Mead Field, named after Col. W. H. Mead, general manager of the prison.

Prisoners upon arrival, if they are brought by county officers, go immediately to the Warden's office. Warden Harrell talks with them seriously, telling them that penitentiary life, to a certain extent, is what you make it. He points out the advantages of a clear record. Every new arrival is given physical examination, including blood tests, baths, prison uniforms, and then assigned to cells.

Convicts go to their meals at the sound of a whistle. The breakfast menu consists of butter, scrambled eggs, fig preserves, creamed gravy, hot coffee, rolls, syrup, and sugar. For dinner, hamburger steak, with Spanish sauce, boiled cabbage, lima beans, stewed prunes, white bread, syrup and ice water are served. For supper, boiled bacon, string beans, green onions, creamed potatoes, rice

pudding, corn bread and ice water are placed on the tables.

A dairy and chicken farm maintained by the penitentiary furnishes milk, butter and eggs.

Harrell, a native of Mississippi, came to Texas in 1911. His first serious thought as a youth was to enter the ministry, he said. But before he could do that he became a peace officer and since has been an enforcer of the laws. He was formerly a State Ranger of Co. B, and was under Captain Tom Hickman. He still carries a commission as a Ranger.

(This was in the Houston Chronicle of date July 15th, 1929.)

Austin, Texas, March 17, 1930.

From Mr. and Mrs. Jacob Jacobs and children, Minni, Mary, La Rue, and Jerome:

To the Honorable the House of Senators and to the worthy Senate attaches of the Fifth Session, Forty-first Legislature:

For the deigned and comforting remembrance at the death of our son and brother, we say our heartfelt thanks. We will keep alive reference and grateful feeling in mind and soul.

John is gone West, never to return. Your gracious floral gift helped to lighten the sorrow. Oh, the solace that the lost one may enjoy with us the consideration shown in the heaped adornment on the mound.

We beg you all to accept kindly the sincere regard, esteem and well wishing of

J. JACOBS and Family.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, March 18, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 69 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 18, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 100 carefully examined and compared,

and find the same correctly enrolled.

WESTBROOK, Chairman.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, March 18, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 55 carefully examined and compared, and find the same correctly enrolled, and have this day at 10:20 o'clock a. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, March 18, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 63 carefully examined and compared, and find the same correctly enrolled, and have this day at 4:25 o'clock p. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, March 18, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 44 carefully examined and compared, and find the same correctly enrolled, and have this day at 3:40 o'clock p. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, March 18, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 39 carefully examined and compared, and find the same correctly enrolled, and have this day at 3:40 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, March 18, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 62 carefully examined and compared, and find the same correctly en-

rolled, and have this day at 4:25 o'clock p. m., presented the same to the Governor for his approval.

Committee Room,
Austin, Texas, March 18, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 82 carefully examined and compared, and find the same correctly enrolled, and have this day at 7:45 o'clock p. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, March 18, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 37 carefully examined and compared, and find the same correctly enrolled, and have this day at 3:40 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, March 18, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 15, A bill to be entitled "An Act to amend Article 7047, Revised Civil Statutes of the State of Texas, 1925, providing for the levy of occupation taxes, on, and the collection from, persons, firms and associations and companies pursuing the several occupations enumerated herein; repealing all laws and parts of laws in conflict herewith providing that if any subdivision or part of this Act may be declared invalid for any reason it shall not affect any other section, subdivision or part of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, March 18, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 105, A bill to be entitled "An Act providing for the taking of depositions in matters pending before the Railroad Commission, or any division thereof, prescribing rules and regulations governing the same, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, March 18, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 115, A bill to be entitled "An Act authorizing the commissioners' court to contract for the collection of insolvent taxes due on personal property in the same manner and subject to the same rules and regulations as now provided by law for contracts governing the collection of delinquent taxes due on real property, provided that such contracts for the collection of insolvent taxes due on personal property may authorize the payment of commissions without the necessity of suit being filed to effect collection; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, March 18, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 116, A bill to be entitled "An Act providing that all petroleum tank cars in this State shall be liable for taxation in the county where such tank cars are maintained or assembled for storing or shipping petroleum products or where the

owner or lessee of such tank cars maintains an office or loading rack; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, March 18, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 94, A bill to be entitled "An Act amending General and Special Laws of the Forty-first Legislature, Chapter 141, making it lawful to kill squirrels at any time in the counties of Travis, Williamson, San Saba, Llano, Lampasas, Burnet, Goliad, Blanco, Hays, Tom Green, Irion, Sterling, Concho, Erath, Bell and Hood; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, March 18, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 97, A bill to be entitled "An Act defining mutual marriage aid associations. Defining the law and manner under which such associations may operate. Providing that such associations shall be subject to the existing laws regarding local mutual aid associations, except as to certain requirements. Providing for the exemption of certain associations and societies from certain of the provisions of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, March 18, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 120, A bill to be entitled "An Act amending Article 1206 of Chapter 17, Title 28, Revised Civil Statutes of the State of Texas of 1925, relating to condemnation of property by cities for highway purposes providing for appointment of commissioners, for award of damages for property taken or damaged, providing for notices and hearings, prescribing the powers and procedure of such commissioners, fixing their compensation and providing for filing and trial of oppositions to reports of such commissioners, providing other incidental matters; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal and not otherwise.

BERKELEY, Chairman.

By Kemble.

H. B. No. 120.

A BILL

To Be Entitled

An Act amending Article 1206 of Chapter 17, Title 28, Revised Civil Statutes of the State of Texas of 1925 relating to condemnation of property by cities for highway purposes, providing for appointment of Commissioners, for award of damages for property taken or damaged, providing for notices and hearings, prescribing the powers and procedure of such Commissioners, fixing their compensation and providing for filing and trial of oppositions to reports of such Commissioners, providing other incidental matters; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1206 of Chapter 17, Title 28 of the Revised Statutes of the State of Texas of 1925, be, and it is hereby amended and changed so that such Article shall hereafter be and read as follows:

Article 1206.

(a) No property shall be taken without just compensation first made to the owner. If the amount of said

compensation shall not be agreed upon, the governing body shall cause to be prepared, on behalf of the city, a statement in writing containing a description of the parcel or parcels of property sought to be taken, the names of the owner or owners thereof, if known, and the purpose for which said property is sought to be taken. The statement shall be filed with the Judge of a County Court at Law, if such Court exists in the county where the property is situated, otherwise with the County Judge of such county. Upon filing the statement the Judge shall forthwith, in term time or vacation, appoint a Commission consisting of three disinterested freeholders of said county who are qualified voters to assess the damages to accrue to said owners, or other interested parties, by reason of condemnation of said property.

"In event of the death, disability, refusal to act, incapacity for any reason, or absence for more than thirty days from said county of any Commissioner appointed, at any time, the Judge shall forthwith appoint a new Commissioner or Commissioners having the qualifications herein prescribed, who shall succeed to and exercise all the powers and duties of the Commissioner originally appointed, and vacancies so caused in said Commission shall be so filled by the Judge whenever they occur. But all proceedings of said Commissioners prior to said vacancy shall be valid and it shall not be necessary for the Commissioners then qualified and acting to again do any Act or take any proceeding already done or performed, but said Commissioners shall proceed after the filling of said vacancy and take all steps and do all things provided to be done hereunder as if no such vacancy had occurred.

"(b) The clerk, secretary, or receiving officer of the city, or the Commission itself, shall give written notice to the owners of property proposed to be taken or damaged and to all persons having any interest in or lien upon said property, of a hearing before said Commission, which notice shall state the time and place of hearing, and may contain a brief statement of the nature and extent of the proposed improvement, and a description of the property proposed to be taken; such description

may be by lot and block number, front feet, the name of the owner or owners, or by any other description which will substantially identify said property. Notice of said hearing shall be given by publication in a newspaper of general circulation in the county in which the property is situated, not less than three separate days, the first publication to be not less than ten days prior to the date of hearing. Notice by publication shall be valid and binding upon the real and true owners of property and all persons having an interest in or lien upon the same, if it shall generally notify them to appear and be heard, without specifically designating said parties by name, and no error or mistake in the name of any person to whom said notice is directed shall invalidate the same. Said notice shall also be served by delivering to said owners, lienholders, or interested parties, if residents of the county where said property is situated, or to their agent or attorney, or if a minor to the Guardian thereof, a copy of said notice. The person serving said notice shall make and file with the clerk, secretary or recording officer of the city a return in writing thereon, stating when and how he served notice. The governing body may provide for other and additional notice, but notice by publication shall in all cases be valid and binding, whether other notice is given or not. The governing body may provide for and cause to be given, in accordance with due process of law, any other and additional notice of any other hearing which may become or be deemed necessary upon the vacation of the office of a Commisisoner and appointing of a new one, or for any other reason, and to provide for such hearings and the nature and effect thereof, and to cause as many and different hearings to be held in the course of condemnation proceedings as may be deemed necessary. Said notices, and the return thereon, shall be filed with the city and preserved in its records.

"(c) Hearings shall be adjourned and shall be kept open until all parties interested and appearing shall be fully heard. All owners, interested parties, or lienholders shall have the right to appear at said hearings in person or by agent or attorney, and

be heard as to the value of property proposed to be taken or as to the damages to property not taken, resulting from the improvement, or as to the legality or regularity of the proceedings or any right of said owners and other parties. All objections or contests shall be in writing and filed with said Commission. When all parties have been heard the Commission shall close the hearing and find the damages due owners, lienholders, or others interested, for property taken or damaged, and shall in their findings apportion between them the amounts payable to each, and shall date and sign a report in writing, in duplicate, one of which reports shall be filed with the clerk, secretary or recording officer of the city, and one with the Clerk of the Court by whose Judge the Commission was appointed.

All proceedings of the governing body with reference to such condemnation, as well as all notices issued in connection therewith, returns thereof, orders, reports, and other proceedings of the Commission, and certified copies of all orders or proceedings of any Judge or Court with reference thereto, may be recorded in the Minutes of said governing body, and said record, or certified copies thereof, and the originals shall be prima facie evidence of the truth of all facts therein recited.

"(d) Any party affected by the decision of said Commission who shall be dissatisfied therewith, shall, within ten days after the filing of said report with said Judge, file in his Court in opposition thereto, setting forth in writing the particular cause or causes of objection, and thereupon the adverse party or parties shall be cited and cause shall be tried and decided as other civil causes in said Court. If no objections are filed with said Judge within said time, he shall cause the said report to be entered in the Minutes of his Court and make the same judgment thereof, and may issue the necessary process to enforce the same.

"Upon the expiration of said time for filing objections, the findings of said Commission shall become final and binding upon the parties, their heirs, successors and assigns, and shall not thereafter be questioned in any proceeding.

"(e) Said Commissioners shall each be entitled to receive as compensation not exceeding Ten (\$10.00) Dollars for every day employed by them in the performance of their duties."

Sec. 2. The powers, terms and provisions of the said Chapter 17, Title 28, as the same now provides, shall continue in full force and effect for the purpose of carrying out and completing any and all proceedings heretofore commenced or initiated thereunder.

Sec. 3. The fact that the Revised Civil Statutes of the State of Texas of 1925 undertook to condense all of Sections 6, 7, 8, 9 and 10 of Chapter 4 of the Acts of the Regular Session of the Thirty-eighth Legislature into one short article embracing only about five lines, thereby rendering the construction and meaning ambiguous and uncertain, and the fact that many cities are now anxious to immediately proceed in accordance with the provisions of the said Act of the Thirty-eighth Legislature, but are uncertain as to the method and manner of proceeding occasioned by the ambiguous and uncertainties in said Article, and are, therefore, anxious to obtain the benefits of this Act, create an emergency and an imperative necessity requiring the suspension of the Constitutional Rule requiring the reading of bills on three several days in each House, and said rule is hereby suspended and this Act shall take effect and be in force from and after its passage and it is so enacted.

Committee Room,

Austin, Texas, March 18, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Buildings and Grounds, to whom was referred

H. B. No. 58, A bill to be entitled "An Act to amend Article 665, Revised Civil Statutes of 1925, relating to the authority of the State Board of Control in the supervision and control of public buildings and grounds, and providing for the more adequate determination of the duties of the said Board of Control in the supervision and control of such public buildings and grounds; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal only.

Respectfully submitted,

THOMASON, Chairman.

By Tillotson.

H. B. No. 58.

A BILL

To Be Entitled

An Act to amend Article 665, Revised Civil Statutes of 1925, relating to the authority of the State Board of Control in the supervision and control of public buildings and grounds, and providing for the more adequate determination of the duties of the said Board of Control in the supervision and control of such public buildings and grounds, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 665 of the Revised Civil Statutes of 1925 be amended to read as follows:

"Art. 665. Custodianship of State Property. The State Board of Control shall have charge and control of all public buildings, grounds and property of the State, and is the Custodian of all public personal property, and is charged with the responsibility to properly care for and protect such property from damage, intrusion or improper usage, and the Board is expressly directed to take any steps necessary to protect any public buildings against any existing or threatened fire hazards. And the Board shall be authorized to provide for the allocation of space in any of the public buildings to the departments of the State Government and for the uses authorized by law to have and occupy space in the State buildings, and shall be authorized to make any repairs to any such buildings or parts thereof necessary to the serviceable accommodation of the uses to which such buildings or space therein may be allotted. Provided the Board of Control shall not be understood to have or exercise any authority or direct the allotment of space in any public building in any manner calculated to increase the operations of any department or use beyond the discharge of duties devolved by provision of law. Said

Board of Control shall remove all occupants of all committee rooms in the Capitol and keep them free for Legislative work. Provided, however, that the allocation of any space affecting the quarters of either House of the Legislature, must have the approval of the Speaker of the House of Representatives or the Lieutenant Governor, the approval being for the quarters allocated to the particular House affected.

Sec. 1a. The State Board of Control is hereby authorized and empowered to make such arrangements at it may deem necessary for the safe storage outside the Capitol building of such records and archives as now prevent the better utilization of space in said Building.

Sec. 2. The increasing need of many departments for additional space in which to discharge the work of the State, and the immediate necessity for conserving all available space in the State buildings, and the lack of adequate authority on the part of the State Board of Control to effect such purposes, creates an emergency and an imperative public necessity that the Constitutional rule which requires that bills be read on three several days in each House, be and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

TWENTIETH DAY.

Senate Chamber,
Austin, Texas,
March 19, 1930.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem Williamson.

The roll was called, a quorum being present, the following Senators answering to their names:

| | |
|-------------|------------|
| Berkeley. | McFarlane. |
| Cousins. | Miller. |
| Cunningham. | Moore. |
| DeBerry. | Neal. |
| Gainer. | Parr. |
| Greer. | Parrish. |
| Hardin. | Patton. |
| Holbrook. | Pollard. |
| Hornsby. | Russek. |
| Hyer. | Small. |
| Love. | Thomason. |
| Martin. | Westbrook. |

Williamson.
Wirtz

Woodul.
Woodward.

Absent—Excused.

Beck.

Witt.

Stevenson.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Gainer.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills Signed.

The Chair, President Pro Tem Williamson, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

| | |
|---------------|----------------|
| S. B. No. 87. | S. B. No. 54. |
| S. B. No. 94. | H. B. No. 158. |
| S. B. No. 96. | H. B. No. 10. |
| S. B. No. 92. | |

Senator Excused.

On motion of Senator Wirtz Senator Stevenson was excused for the day on account of important business.

Messages From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives.

Austin, Texas, March 19, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 103, A bill to be entitled "An Act amending Chapter 91 of the General and Special Laws of Texas of 1927 of the First Called Session of the Fortieth Legislature, entitled 'An Act providing for a rural school supervisor in lieu of the teachers' institute as required under Article 2691, and providing for the payment of the salary of said rural school supervisor in counties having